

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jennifer Jarett	Team: Team # 5	CCRB Case #: 200700084	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 12/29/2006 3:30 AM	Location of Incident: 22nd Street & 5th Avenue	Precinct: 13	18 Mo. SOL 6/29/2008	EO SOL 6/29/2008	
Date/Time CV Reported Fri, 12/29/2006 3:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/03/2007 12:21 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Bilal Ates	30040	934429	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bilal Ates	Force: PO Bilal Ates used physical force against § 87(2)(b)	
B. An officer	Force: An officer used physical force against § 87(2)(b)	

## Synopsis

On December 29, 2006 at about 3:00am, § 87(2)(b) was in a McDonald's restaurant on 22<sup>nd</sup> Street and 5<sup>th</sup> Avenue in Manhattan when some people assaulted him. § 87(2)(b) went outside and saw a police officer, whose last name he gave as "Aise". The officer grabbed § 87(2)(b) by his shirt and pushed him against the door of the McDonald's restaurant and pushed him inside. § 87(2)(b)'s cousin, who did not want to give his name (it was not stated in the IAB log to whom his cousin would not give his name), was pushed by the same police officer. At about 3:30am, § 87(2)(b) was at Club Deep on 22<sup>nd</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues in Manhattan. § 87(2)(b)'s two friends, § 87(2)(b) and § 87(2)(b) friend (whose name § 87(2)(b) does not know) got into a fight in the club, and because § 87(2)(b) got involved in the fight to break it up, they, and another friend who was not involved in the fight, § 87(2)(b) were all thrown out of the club. When they got outside the club there was a sergeant and about 6 other officers. The sergeant said that because § 87(2)(b) is in the military, he was lucky he was not arrested. They got into an argument. Eventually § 87(2)(b)'s friends said they should go. They continued down the block and were approached by three different police officers. One officer, PO Bilal Ates, who was identified because § 87(2)(b) asked him for his name and shield number, "got in § 87(2)(b)'s face" and started pushing him away on his shoulder. § 87(2)(b) told PO Ates that he would call his brother, who is an attorney, and "have [PO Ates's] ass for this." PO Ates then pushed § 87(2)(b) the entire way down the block. § 87(2)(b) said that he must have bit his lip as PO Ates was pushing him, because he noticed that his lip was bleeding. PO Ates was then going to come up to § 87(2)(b) again, but one of the other officers grabbed him and said he "had to chill". § 87(2)(b) then went to a precinct and filed a report.

On December 29, 2006, § 87(2)(b) and § 87(2)(b) filed complaints with IAB. On January 3, 2007, IAB forwarded § 87(2)(b)'s case, and § 87(2)(b)'s case, to the CCRB. On January 9, 2007, § 87(2)(b) was sent a first contact letter. On January 15, 2007, § 87(2)(b) left a phone message. On January 16, 2007, the undersigned investigator called § 87(2)(b) who gave his phone statement. § 87(2)(b) who lives in § 87(2)(b) was going to call the undersigned investigator back with contact information for his friends (as well as the name and shield number of the officer he gave to IAB, which he had left in his car) and was going to mail in a notarized written statement. § 87(2)(b) said that he was in the military and would be deployed back to Iraq in the next two months. § 87(2)(b) said that there was no one in his group by the name of § 87(2)(b). On January 25, 2007, the undersigned investigator called § 87(2)(b) and his home phone number was no longer in service and his cell phone only had a busy signal. On January 26, 2007, the undersigned investigator called § 87(2)(b) whose phone was not accepting incoming calls, so no voicemail message could be left. On January 26, 2007, the undersigned investigator called § 87(2)(b) at his home phone number, which was no longer in service, and his cell phone number only had a busy signal. On January 27, 2006, the undersigned investigator sent § 87(2)(b) a final contact letter. On January 27, 2007, the undersigned investigator called § 87(2)(b) at his home phone number, which was no longer in service, and his cell phone number, which only provided a busy signal. On January 27, 2007, the undersigned investigator called § 87(2)(b) whose phone was not accepting incoming calls and therefore no message could be left. On February 2, 2007, the undersigned investigator called § 87(2)(b) at his home phone number, which was no longer in service; his cell phone number went to a non-personalized voicemail box; a message was left. On February 2, 2007, the undersigned investigator performed a Lexis/Nexis search for § 87(2)(b) which listed the previous home phone number as his permanent number. An alternate number was tried, but it was also no longer in service. . On January 16, 2007, the undersigned investigator called § 87(2)(b) whose phone was not accepting calls, so no message could be left. On January 16, 2007, the undersigned investigator sent § 87(2)(b) a first contact letter. On January 18, 2007, the undersigned investigator called § 87(2)(b) whose phone was not accepting incoming calls, so no message could be left. On January 25, 2007, the undersigned investigator sent § 87(2)(b) a final contact letter. On January 25, 2007, the undersigned investigator called § 87(2)(b) but his phone was not accepting incoming calls, so no message could be left. On February 3, 2007, the undersigned investigator searched for both § 87(2)(b) and § 87(2)(b) on the New York City Inmate Lookup; neither man is currently incarcerated. No letters sent via the United States Postal Service to § 87(2)(b) or to § 87(2)(b) were returned.

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: